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VIA ECF

March 19, 2015

Hon. James L. Cott
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**RE: Terrence Moore As Trustee of the Metal Lathers Local 46
Pension Fund, et al. v. Navillus Tile, Inc., et al.
Docket No. 14-CV-8326
Our File No. 255440**

Dear Judge Cott:

Defendants Time Square and Kevin O'Sullivan submit this letter in advance of the scheduled March 23, 2015 conference to address a discovery dispute regarding Plaintiffs' request for production of text message.

We concur in all respects with Navillus' counsel's March 19, 2015 letter regarding Plaintiffs' requests concerning text messages and the parties' efforts to resolve this dispute.

Specifically with respect to the devices possessed by Mr. Kevin O'Sullivan, Time Square retained third-party vendor Computer Evidence Recovery, Inc., to conduct a forensic data acquisition and extraction on Mr. Kevin O'Sullivan's two Blackberry devices which he currently possesses and which were used during the time period covered by Plaintiffs' request, July 1, 2013 to October 17, 2014.

Mr. O'Sullivan began using his current Blackberry on or about October 14, 2014, only 3 days before the end-date of the requested period. No responsive texts were recovered. Mr. O'Sullivan was able to locate an additional Blackberry which he used immediately prior to October 14, 2014. As for that device, there were three recoverable text messages to/from the numbers identified by Plaintiffs. Counsel for

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Time Square and Kevin O'Sullivan has reviewed those text messages. They are of a personal nature and are not responsive to the subject matter of Plaintiffs' request.

For the foregoing reasons, Plaintiffs request should be denied. We thank Your Honor for your attention to this matter.

Very truly yours,

/s/ Alexander X. Saunders

ALEXANDER X. SAUNDERS

Cc: All Counsel via ECF